



State of Tennessee

HOUSE JOINT RESOLUTION NO. 217

By Representative Harmon

A RESOLUTION to request a variance from the Federal Motor Carrier Safety Administration to enforce certain safety standards on motor vehicles or trailers transporting certain projecting loads interstate and to request amendment of such governing federal regulations.

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) was established as a separate administration within the U.S. Department of Transportation (DOT) on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999; and

WHEREAS, the primary mission of the FMCSA is to reduce crashes, injuries, and fatalities involving large trucks and buses; and

WHEREAS, in carrying out its safety mandate to reduce crashes, injuries, and fatalities involving large trucks and buses, FMCSA partners with stakeholders, including Federal, State, and local enforcement agencies, the motor carrier industry, safety groups, and organized labor, on efforts to reduce bus and truck-related crashes; and

WHEREAS, the FMCSA has primary authority over enforcement of the applicable Federal safety regulations and Operating Authority rules for motor carriers having operations that include interstate commerce; and

WHEREAS, the State of Tennessee is equally committed to reducing crashes, injuries, and fatalities involving large trucks and buses; and

WHEREAS, certain commercial motor vehicles transport logs, long pulpwood, poles or posts between Tennessee, Georgia, and other states, especially during the night; and

WHEREAS, in light of numerous traffic accidents involving large trucks carrying cargo of logs, lumber, poles, beams or lumber that have caused injuries and deaths in Tennessee in recent years, the 106th General Assembly saw the need to protect citizens through legislation; and

WHEREAS, Chapter 1010 of the Public Acts of 2010, now codified as Tennessee Code Annotated, § 55-4-409(e), demonstrated Tennessee's commitment to safety by providing enhanced safety requirements on intrastate motor vehicles or trailers transporting a load of logs, long pulpwood, poles, or posts that project four feet or more beyond the rear of the body or bed of such vehicles; and

WHEREAS, such safety requirements achieve substantially the same purpose as the similar Federal regulation, do not negatively impact interstate commerce, and would provide additional safety if applied to motor carriers involved with interstate commerce; and

WHEREAS, the Administrator is authorized to provide a variance from the FMCSRs for interstate commerce upon a State's proper request and demonstrated need; and

WHEREAS, the enhanced safety requirements adopted in Tennessee last year are currently mirrored as requirements in Georgia, are not cost prohibitive to the commercial vehicle industry, and will add greatly to improved visibility at night; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY, THE SENATE CONCURRING, that the State of Tennessee hereby requests a variance from the FMCSRs to apply the enhanced safety requirements of Tennessee Code Annotated, § 55-9-405(e), to all applicable commercial motor vehicles, including those operating intrastate and interstate in Tennessee.

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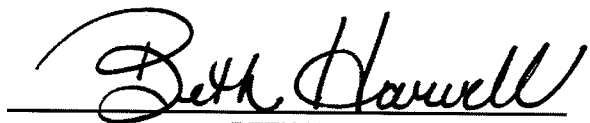
BE IT FURTHER RESOLVED, that the Department of Safety is directed to provide any technical assistance otherwise required by the FMCSA to facilitate this requested variance.

BE IT FURTHER RESOLVED, that this General Assembly requests that Federal regulations be amended to apply such enhanced safety standards, as a more appropriate standard, at the Federal level to all such commercial motor vehicles or trailers transporting a load of logs, long pulpwood, poles, or posts that project four feet or more beyond the rear of the body or bed of such vehicles.

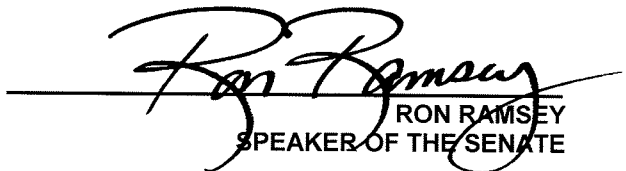
BE IT FURTHER RESOLVED, that the Chief Clerk of the House is directed to deliver a copy of this resolution to the Commissioner of Safety, the Administrator of the Federal Motor Carrier Safety Administration, and each member of Tennessee's Congressional delegation.

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ADOPTED: MAY 21, 2011

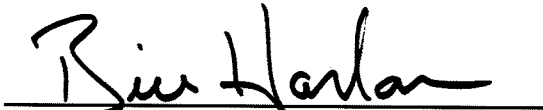
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BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

A cursive signature of Ron Ramsey in black ink, written over a horizontal line.

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2011

A cursive signature of Bill Haslam in black ink, written over a horizontal line.

BILL HASLAM, GOVERNOR